

PATENT

Atty. Dkt. No. AVISTA/209-1016C

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jeffrey H. Sherman, et al.

§

§

§ Group Art Unit: 1764

Serial No.: 09/753,496

§

§

§ Examiner: H. Myers

Confirmation No.: 2163

§

§

Filed: January 2, 2001

§

§

For: Method Of Removing  
Contaminants From Petroleum  
Distillates

§

§

§

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

CERTIFICATE OF FACSIMILE  
TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence and the documents referred to as attached thereto are being facsimile transmitted to the U.S. Patent and Trademark Office to the fax number indicated by the Examiner, namely, Helene Myers, fax number (703) 872-9464 to the attention of the named Examiner, on the date below.

11/30/01

Signature

## TERMINAL DISCLAIMER UNDER 37 CFR 1.321(c)

Miami University, Oxford, Ohio, the owner of one hundred percent (100%) interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 on U.S. Patent No. 6,238,551, as shortened by any terminal disclaimer filed on same. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as

PATENT

Atty. Dkt. No. AV STA/209-1016C

presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate,

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization in this matter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney of record.

Respectfully submitted,



N. Alexander Nolte  
Registration No. 45,689  
Moser, Patterson & Sheridan, L.L.P.  
3040 Post Oak Blvd., Suite 1500  
Houston, Texas 77056  
(713) 623-4844  
Attorney for Applicants

## MOSER, PATTERSON &amp; SHERIDAN, L.L.P.

Attorneys at Law  
 3040 Post Oak Boulevard, Suite 1500  
 Houston, Texas 77056-6582  
 Telephone (713) 623-4844  
 Facsimile (713) 623-4846  
[www.mpsllp.com](http://www.mpsllp.com)

## FACSIMILE COVER SHEET

DATE:	November 30, 2001	FILE NO.:	AVISA/209-1016C
TO:	HELANE MYERS		FAX NO.: 703-872-9464
COMPANY:	USPTO		
FROM:	N. ALEXANDER NOLTE	PAGE(S): with cover	<del>26</del> 14
MESSAGE:		Original to Follow	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

RESPONSE TO OFFICE ACTION DATED OCTOBER 29, 2001  
 TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)  
 AUTHORIZATION TO CHARGE TO PTO ACCOUNT

U.S. Serial No. 09/753,496  
 Filing Date: January 2, 2001  
 Inventor: Sherman, et al.  
 Group Art Unit: 1764  
 Confirmation No: 2163  
 Examiner: H. Myers

E:\SKD\FAX\PATENTFAX.DOC

## CONFIDENTIALITY NOTE

The document accompanying this facsimile transmission contains information from the law firm of Thomason, Moser & Patterson, L.L.P. which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

PATENT  
Atty. Dkt. No. AVISTA/209-1016C

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Jeffrey H. Sherman, et al.	§	
Serial No.: 09/753,496	§	Group Art Unit: 1764
Confirmation No.: 2163	§	Examiner: H. Myers
Filed: January 2, 2001	§	
For: Method Of Removing Contaminants From Petroleum Distillates	§	
	§	
	§	
	§	
	§	
	§	

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

CERTIFICATE OF FACSIMILE  
TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence and the documents referred to as attached therein are being facsimile transmitted to the U.S. Patent and Trademark Office to the fax number indicated by the Examiner, namely, Helane Myers, fax number (703) 872-9464 to the attention of the named Examiner, on the date below.

*7/16/01*

*N. Alexander Nolte*

Date

Signature

## AUTHORIZATION TO CHARGE TO PTO ACCOUNT

The Commissioner is authorized to charge the amount of \$110.00 for the submission of Terminal Disclaimer Under 37 C.F.R. 1.321(c), and any other fee necessary to make this submission timely, to the Deposit Account No. 20-0782/AVISTA/209-1016C/NAN.

Respectfully submitted,

  
 N. Alexander Nolte  
 Registration No. 45,689  
 Moser, Patterson & Sheridan, L.L.P.  
 3040 Post Oak Blvd., Suite 1500  
 Houston, Texas 77056  
 (713) 623-4844  
 Attorney for Applicants